REMARKS

The Applicants appreciate the continuing thorough examination of the present application that is reflected in the Office Action. Applicants note that the Office Action does not appear to have clearly set forth any grounds for rejection of any of Claims 19-21, 23-33, 37-39, 41-51, or 54-57, and accordingly request further review and withdrawal of the rejections of those claims. Moreover, Applicants submit that amended independent Claims 1, 19, and 37 and many of the dependent claims provide independent bases for patentability over the newly cited references for at least the reasons that will now be explained.

Amended Independent Claims 1, 19, and 37 Are Patentable Over Tso et al.

The Office Action has rejected Claims 1, 3-4, 6-13, 15, 52, and 53 under 35 U.S.C. Sec. 102(e) as anticipated by U.S. Patent No. 6,247,050 to Tso et al. ("Tso"). Claim 1 has been amended to recite:

> 1.   A method of providing improved <u>quality of service over a series of messages</u> exchanged between computers in a networking environment <u>that are related to a transaction,</u> comprising:
>   <u>determining one or more transactional quality of service ("TQoS") values</u> to be applied to the related messages;
>   using the determined TQoS values when transmitting at least one of the related messages for delivery to a particular one of the computers, wherein the particular computer is a client computer;
>   <u>annotating a routing token of selected ones of the related messages with information reflecting the determined TQoS values;</u>
>   transmitting the annotated ones of the related messages with the information reflecting the determined TQoS values from a server computer to the client computer;
>   receiving the transmitted annotated messages at the client computer; and
>   <u>transmitting the TQoS values from the client computer to the server computer</u> **<u>with subsequent ones of the related messages</u>**.

Initially, Applicants emphasize that the method of Claim 1 is directed to providing improved transactional quality of service (TQoS) over a series of related messages exchanged between computers. As explained in the present application, embodiments of "the present invention [go] beyond the prior art, which provides QoS controls per client/server pairing, per

application, or per Web object, and ties <u>QoS to a specific transaction and all the related Web objects comprising that transaction.</u>" (Application, page 14, lines 4-6, emphasis added). In that regard, the present application specifically defines "transactional" as follows:

> The term "transaction" as used herein refers to a sequence of related request and response messages that are exchanged to perform a unit of work on behalf of a particular client. (Application, page 15, lines 7-8).

Claim 1 recites that a server computer annotates a routing token of selected related messages of a series of messages with determined TQoS values. The client computer receives the TQoS values in the routing tokens of the messages from the server computer, and the client computer subsequently transmits those TQoS values back to the server computer with messages that are related to the server computer's messages.

In sharp contrast, Tso discloses a transcoding server 34 that transcodes messages with variable scaling of content in response to settings defined in a user preferences table 26 (FIG. 3). Tso describes that the settings in the user preferences table 26 are defined as follows:

> Non-enabled network client 12 may optionally be provided with the ability to actively control the trade-off between download time and content quality by selecting whether or not to scale content and/or control the extent of such scaling. To provide this ability, <u>HTTP remote proxy 36 may embed additional instructions at the beginning of the HTML header for the requested URL prior to transmitting the associated data stream to network client 12.</u> ... As browser 32 of network client 12 receives the data stream, the embedded instructions will automatically execute so long as browser 32 is equipped to support them. ...
>
> The embedded instructions transmitted to network client 12 can enable the user to influence the transcode functionality of remote scaling server 34. As illustrated in FIG. 4, <u>the embedded instructions drive a user interface in the form of a pop-up window 40 that is displayed at the top of a browser window 38.</u> ...
>
> In the configuration of FIG. 4, <u>pop-up window 40 enables the user to change his or her preference as to whether scaled or original content is desired, and communicates such changes to HTTP remote proxy 36.</u> ... <u>Upon receipt, HTTP remote proxy 36 may update user preference table 26 accordingly.</u> ...
>
> (Tso, Col. 6, line 18 - Col. 7, line 8, emphasis added).

Accordingly, Tso describes that a transcoding (scaling) server 34 downloads a program to the network client 12. The program uses a pop-up window 40 to enable a user to change his preferences as to scaling of content, and communicates the user defined changes to the proxy 36 and transcoding server 34 to update the user preferences table 26. Thus, Tso appears to describe the setting of QoS controls on a per client/server pairing, which appears to be the type of prior art distinguished above by the Specification of the present application.

Tso does not disclose a method of providing improved quality of service over a series of related messages exchanged between computers that are related to a transaction. Again, Tso determines user transcoding preferences and carries out transcoding for a particular network client 12 based on those preferences. Nowhere, does Tso disclose a method of determining one or more transactional quality of service ("TQoS") values to be applied to related messages and annotating a routing token of selected ones of the related messages with **information reflected the determined TQoS values**. Moreover, Tso does not disclose a method of having the client computer transmitting the TQoS values, which were received in an annotated routing token from the server computer, back to the server computer **with subsequent ones of the related messages**. Again, Tso queries a user of a network client 12 through a program downloaded from server 34 to determine a user's preferences. Accordingly, Tso discloses that the network client 12 may communicate QoS information to the transcoding server 34, but this QoS information did not originate from the transcoding server 34 and, therefore, the QoS information is not transmitted from the network client 12 to the transcoding server 34 with messages that are related to messages which were received from the transcoding server 34 and which served as the original source of the QoS information.

For at least these reasons Applicants submit that amended Claim 1 is not anticipated by Tso.

Independent Claims 19 and 37 have been amended to include similar recitations to Claim 1, and are therefore submitted to not be anticipated by Tso for the reasons explained above for Claim 1.
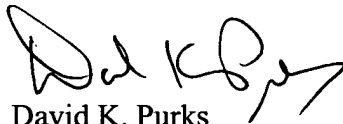
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The dependent claims are patentable at least per the patentability of the independent claims from which they depend. Moreover, these claims are submitted to provide further bases for patentability.

CONCLUSION

In light of the above amendments and remarks, Applicants respectfully submit that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,

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